

**Testimony of Attorney Elizabeth Dineen,  
Judiciary Committee  
Wednesday, March 30, 2011**

Good afternoon Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. For the record, my name is Attorney Elizabeth Dineen. Thank you for the opportunity to provide testimony concerning:

**Proposed House Bill No. 6629, An Act concerning Domestic Violence (Support)**

My name is Elizabeth Dineen and I currently serve as the Chair of the Criminal Justice Department at Bay Path College located in Longmeadow Massachusetts. Previous to this role, I was an Assistant District Attorney in Hampden County, Massachusetts, for over 25 years. As a trial prosecutor, I prosecuted many crimes including murder, rape, domestic violence, child abuse, armed robbery, home invasion, mayhem, burglary, arson, and firearms offenses. I have experience writing and arguing briefs before the Massachusetts Supreme Judicial Court and the Massachusetts Appeals Court and have authored and instructed for the Massachusetts Continuing Education on topics such as interviewing child witnesses, special problems with privileged information, domestic violence, and difficult and complex forensic evidence. Also, I am an instructor with the National Institute for Trial Advocacy—the nation’s top trial advocacy training body for lawyers. As a prosecutor, I served as an instructor for numerous criminal justice-related organizations, including the Massachusetts State Police Training Academy, the Hampden County Criminal Justice Training Center, and Baystate Medical Center.

I tell you this for two reasons. First, I am committed to the just treatment of victims of domestic violence, as well as to the accountability of the Criminal Justice System to protect domestic violence victims. Second, I am familiar with and knowledgeable about the proposed legislative initiatives before you today--the Model Policy for Law Enforcement’s response to domestic violence incidents; the limitations for diversionary opportunities for domestic violence offenders; and the need to end the practice of charging domestic violence victims with violating their own orders of protection.

Model Policy for Law Enforcement’s Response to Domestic Violence Incidents: I have experience working in a state which enacted model policies for law enforcement’s response to crimes involving domestic violence. The benefits of such a policy outweigh the initial front end work that goes into the creation of such a policy. The model policy allows for a consistent response to domestic violence across the state and enhances the collaborative efforts of law enforcement officials, working in separate jurisdictions, to immobilize an offender. The model policy essentially serves as a plan of action. It informs all law enforcement officials who come into contact with an offender, outlines their role(s) as well as the expectations for all law enforcement agencies involved. The second component of the proposal allows for the creation of a Committee, who is knowledgeable about this area of law, to ensure the state’s laws and policies are the “best practices”, and to update them yearly, to reflect new laws and/or new information

pertaining to the best mechanisms to handling domestic violence incidents, which is a necessary component to ending domestic violence.

Ending the Practice of Arresting Domestic Violence Victims: This proposal outlaws the practice of arresting and prosecuting a victim of domestic violence for violating their own order of protection and is overdue. This current practice in Connecticut is a step backwards – in the wrong direction. First, there are the obvious due process issues – when the state restrains an individual's liberty without providing a process to challenge that state's infringement. Second, as I understand it, the state of Connecticut has codified certain rights for crime victims within the state Constitution, including the right to be reasonably protected from one's offender. The practice of arresting the named protected person of an order of protection is a violation of that victim's right to be reasonably protected from the offender. Additionally, as someone who is familiar with the dynamics of domestic violence, including the manipulation and disempowerment of the victim at the hands of the offender, it is deeply concerning that the state would be choosing to arrest the victim. For instance, a victim of domestic violence will, more times than not, return to the abusive offender for reasons that are too many to identify during this short time period. Therefore, penalizing a domestic violence victim, who has been abused and emotionally tormented by an offender for returning to the offender, is an unsettling practice. I'm sure that you have all heard of the Stockholm's syndrome. Well, for many victims of domestic violence, the "choice" to return to an offender, is less of a choice and more of a matter of life and death. When, and if, the state arrests a victim of domestic violence in these scenarios, the message to the victim is clear. The state will not protect the victim and cannot be trusted. As an Assistant District Attorney, I have witnessed many domestic violence victims initially return to the offender only to be again victimized at the hands of the offender. Then, one day, they are broken and afraid, finally capable of leaving and participating in prosecution. This would never occur if, as is the current practice in some parts of Connecticut, the victim is charged with the "offense" of returning to the offender. I strongly encourage you to outlaw this practice.

Lastly, the first time domestic violence offender is a much different person than the repeat domestic violence offender. The first time offender is amendable to treatment and has a healthy level of susceptibility to rehabilitation. The opportunity to change behavior with the first time offender is abundant. However, when the system becomes bogged down with repeated offenders, repeatedly participating in the same diversionary programs, the impact of these programs is watered down and diminished. Additionally, the domestic violence victim, who finds the courage to contact the police and report the abuse, is expecting the state to take steps to prosecute the offender as well as to protect her. However, if the offender routinely receives diversion, the message to the victim is clear – these crimes are not taken seriously by the state. Consequently, the victim will simply halt contacting the police in the future – with dangerous consequences for the victim, the offender, and the public. I strongly encourage you to limit all diversionary opportunities to first time offenders; you will save lives.

Thank you again for this opportunity to testify and I will answer any questions you may have.